

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance, because it was weevil-infested.

On March 31, 1936, the Walla Walla Canning Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered, and the product was released under bond conditioned that the unfit portion be segregated and destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25975. Adulteration of dried peaches. U. S. v. 600 Cases of Dried Peaches. Consent decree of condemnation. Product released under bond for re-processing and reconditioning. (F. & D. no. 36911. Sample no. 46434-B.)

This case involved an interstate shipment of dried peaches that were dirty and infested with insects.

On January 2, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 600 cases of dried peaches at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about December 6, 1935, by Rosenberg Bros. & Co., from Oakland, Calif., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled: "Prepared with sulphur dioxide Varsity Brand California Fancy Recleaned Peaches Cured Fruit Association of California, San Francisco, Calif. 25 lbs. net."

The article was alleged to be adulterated in violation of the Food and Drugs Act, section 7, paragraph 6, which provides that an article of food shall be deemed adulterated if it consists in whole or in part of a filthy vegetable substance.

On February 27, 1936, Rosenberg Bros. & Co., claimant, having admitted the allegations of the libel and having consented to a decree, judgment of condemnation was entered and the product was released under bond conditioned that it be reprocessed and reconditioned.

M. L. WILSON, *Acting Secretary of Agriculture.*

25976. Adulteration of walnut meats. U. S. v. 20 Cases of Walnut Meats. Default decree of condemnation and destruction. (F. & D. no. 36928. Sample nos. 34550-B, 34551-B.)

This case involved an interstate shipment of walnut meats that were wormy and moldy.

On January 10, 1936, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 20 cases of walnut meats at Los Angeles, Calif., alleging that the article had been shipped in interstate commerce on or about December 13, 1935, by the Tacoma Grocery Co., from Tacoma, Wash., and that it was adulterated in violation of the Food and Drugs Act. The article was labeled "Special" or "Standard."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy and decomposed vegetable substance.

On April 14, 1936, no claimant having appeared, judgment of condemnation and forfeiture was entered and it was ordered that the product be destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

25977. Adulteration and misbranding of alfalfa leaf meal. Adulteration of alfalfa hay. U. S. v. Saunders Mills, Inc. Plea of guilty. Fine, \$150 and costs. (F. & D. no. 36933. Sample nos. 8347-B, 39697-B.)

This case involved an interstate shipment of so-called alfalfa leaf meal that contained less crude protein and more crude fiber than was represented on the label; and an interstate shipment of alfalfa hay that consisted for the most part of alfalfa of grades inferior to "U. S. Grade No. 1 Alfalfa Hay", which the article purported to be.

On January 14, 1936, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Saunders Mills, a corporation, Toledo, Ohio, charging shipment by said corporation in violation of the Food and Drugs Act, on or about August 8, 1935, from the State of Ohio into the State of Maryland of a quantity of alfalfa leaf meal which was adulterated and misbranded; and on or about September 16, 1935, of a quantity of alfalfa hay which was adulterated.

The alfalfa leaf meal, contained in bags, was labeled in part: "Leaf Velvet Brand Alfalfa Meal 100 Pounds Net Manufactured by Saunders Mills, Inc. Toledo, Ohio Made Principally From Alfalfa Leaves Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent." The alfalfa hay, in bales, was sold and shipped as "U. S. Grade No. 1."

The alfalfa leaf meal was alleged to be adulterated in that a substance, alfalfa meal containing less than 20 percent of crude protein and more than 18 percent of crude fiber, had been substituted for alfalfa leaf meal which the article purported to be.

The so-called alfalfa leaf meal was alleged to be misbranded in that the statements, "Alfalfa Meal Leaf", "Made Principally From Alfalfa Leaves", and "Guaranteed Analysis Crude Protein, not less than 20.0 Per Cent * * * Crude Fibre, not more than 18.0 Per Cent", borne on the label, were false and misleading, and in that by reason of said statements the article was labeled so as to deceive and mislead the purchaser, since said statements represented that the article was alfalfa leaf meal and that it contained not less than 20 percent of crude protein and not more than 18 percent of crude fiber; whereas in fact the article was not alfalfa leaf meal and it contained less than 20 percent of crude protein and more than 18 percent of crude fiber. The article was alleged to be misbranded further in that it was an imitation of another article, namely, alfalfa leaf meal, which the article purported to be.

The alfalfa hay was alleged to be adulterated in that substances, namely, U. S. grade No. 2 alfalfa and U. S. Sample grade alfalfa had been substituted in part for U. S. grade No. 1 alfalfa hay, which the article purported to be.

On April 20, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$150 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25978. Adulteration of canned salmon. U. S. v. Klawock Packing Co. Plea of guilty. Fine \$10 and costs. (F. & D. no. 36936. Sample nos. 26565-B, 26567-B, 37881-B, 37893-B, 40878-B, 40888-B.)

This case involved interstate shipments of canned salmon that was decomposed.

On March 3, 1936, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Klawock Packing Co., a corporation, Seattle, Wash., charging shipment by said corporation in violation of the Food and Drugs Act on or about August 12, 20, and 31, 1935, from the Territory of Alaska into the State of Washington of quantities of canned salmon which was adulterated.

The article was alleged to be adulterated in that it consisted in part of a decomposed animal substance.

On April 18, 1936, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$10 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

25979. Adulteration and misbranding of apple butter. U. S. v. Glaser, Crandell Co. Plea of guilty. Fine, \$50 and costs. (F. & D. no. 37006. Sample no. 29729-B.)

This case involved a product that was represented to be apple butter, i. e., a product made from fresh apples, but which consisted of dried-apple butter. The product also contained evidences of insect infestation.

On April 23, 1936, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Glaser, Crandell Co., a corporation at Chicago, Ill., alleging that on or about August 2, 1935, the said defendant had shipped from the State of Illinois into the State of North Dakota a quantity of apple butter that was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Our Family * * * Apple Butter, Packed for Nash-Finch Co., General Offices, Minneapolis, Minn."

The article was alleged to be adulterated in that it consisted in part of a filthy vegetable substance because of contamination by larvae, worms, and insect parts; in that dried-apple butter, a product made from evaporated apples, had been mixed and packed with said article so as to reduce, lower, and injuriously affect its quality; and in that the dried-apple butter had been substituted for apple butter, which the article purported to be.